

IN THE COURT OF COMMON PLEAS
OF PHILADELPHIA COUNTY

CIVIL TRIAL DIVISION

IN RE: PENNSYLVANIA BAYCOL
THIRD-PARTY PAYOR LITIGATION

SEPTEMBER TERM, 2001
NO. 1874

PENNSYLVANIA EMPLOYEES
BENEFITS TRUST FUND, et al.

OCTOBER TERM, 2001
NO. 1506

Plaintiffs,

vs.

BAYER AG and BAYER CORPORATION

Defendants

COPIES SENT
PURSUANT TO Pa. R. 236(b)
MAR. 4 2004
First Judicial District of Pa.
User I.D.: SNS

DOCKETED
COMPLEX LIT CENTER

MAR 4 2004

J. STEWART

ORDER

AND NOW, this 2nd day of March, 2004, upon consideration of Plaintiff's Motion for Partial Summary Judgment, all responses in opposition, the respective memoranda, and all matters of record, it is hereby ORDERED and DECREED that said Motion is granted and partial Summary Judgment is granted to Plaintiff Pennsylvania Employees Benefit Trust Fund as to the claims of implied warranty and unjust enrichment. The amount of damages is to be proven at trial. These claims in the case of Pennsylvania Employee Benefit Trust Fund v. Bayer AG, et al. is severed and trial as to damages is hereby scheduled for June 2, 2004 in Courtroom 246 City Hall at 9:30 a.m.

BY THE COURT


MARK I. BERNSTEIN, J.